

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

TIMOTHY BARNES,

3:11-CV-00142-PK

Plaintiff,

ORDER

v.

CHASE HOME FINANCE, LLC, a  
Delaware Corp.; CHASE BANK  
USA, N.A., a subsidiary of JP  
Morgan Chase & Co., a  
Delaware Corp.; IBM LENDER  
BUSINESS PROCESS SERVICES,  
INC., a Delaware Corp.; and  
JOHN AND JANE DOES 1-10,

Defendants.

BROWN, Judge.

Magistrate Judge Paul Papak issued Findings and  
Recommendation (#158) on April 10, 2013, in which he recommended  
the Court deny Plaintiff Timothy Barnes's Motion (#129) for  
Summary Judgment; grant the Motion (#132) for Summary Judgment of

Defendants Chase Bank USA, N.A., and Chase Home Finance, LLC; grant the Motion (#135) for Summary Judgment of Defendants Federal National Mortgage Association and IBM Lender Business Process Services, Inc.; and prepare a final judgment. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9<sup>th</sup> Cir. 2003)(*en banc*); *United States v. Bernhardt*, 840 F.2d 1441, 1444 (9<sup>th</sup> Cir. 1988).

In his Objections, Plaintiff reiterates the arguments contained in his Memorandum in support of his Motion for Summary Judgment, his Reply, and his Responses to Defendants' Motions in addition to his arguments stated at oral argument. This Court has carefully considered Plaintiff's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

#### **CONCLUSION**

The Court **ADOPTS** Magistrate Judge Papak's Findings and

Recommendation (#158). Accordingly, the Court **DENIES** Plaintiff's Motion (#129) for Summary Judgment; **GRANTS** the Motion (#132) for Summary Judgment of Defendants Chase Bank USA, N.A., and Chase Home Finance, LLC; **GRANTS** the Motion (#135) for Summary Judgment of Defendants Federal National Mortgage Association and IBM Lender Business Process Services, Inc.; and **DISMISSES** this matter **with prejudice**.

IT IS SO ORDERED.

DATED this 8<sup>th</sup> day of July, 2013.

/s/ Anna J. Brown

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ANNA J. BROWN  
United States District Judge